

**United States District Court**

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

HENRY MISHKOFF

v.

REDLEO SOFTWARE INC., ALTITUDE  
STAFFING, INC., AND VERTICAN  
TECHNOLOGIES, INC.

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CASE NO. 4:22-CV-00763-ALM-AGD

**MEMORANDUM REJECTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 9, 2023, the Magistrate Judge entered a Report (Dkt. #56) containing proposed findings of fact and recommendation that Defendants Redleo’s, Altitude’s, and Vertican’s respective Rule 12(b)(6) Motions to Dismiss Plaintiff’s Amended Complaint (Dkt. #35; Dkt. #37; Dkt. #38) be granted and that Plaintiff’s Age Discrimination in Employment Act of 1967 claims against all Defendants should be dismissed with prejudice for failure to state a claim.

Having received the Report of the Magistrate Judge and having considered Plaintiff’s objections (Dkt. #64), and after reviewing the current complaint, the motions to dismiss, the responses, the replies, the sur-replies, and all other relevant filings, the Court finds that Plaintiff has stated plausible claims for purposes of defeating a Rule 12(b)(6) motion.

It is therefore ORDERED that Defendants Redleo Software Inc.’s, Vertican Technologies, Inc.’s, and Altitude Staffing, Inc.’s respective Rule 12(b)(6) Motions to Dismiss Plaintiff’s Amended Complaint (Dkt. #35, Dkt. #37, Dkt. #38) are **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 8th day of March, 2024.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE